

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

MIGUEL C. GOMEZ, et al.,

No. C 11-01725 LB

Plaintiffs,

v.

ORDER (1) GRANTING PLAINTIFFS'
MOTION FOR EXTENSION OF TIME
AND (2) DENYING DEFENDANTS'
MOTION FOR DISMISSAL

WELLS FARGO HOME MORTGAGE, et al.,

Defendants.

[Re: ECF Nos. 40, 42]

On November 21, 2011, the court granted Defendants' motions to dismiss Plaintiffs' complaint. Order, ECF No. 39.¹ The court allowed Plaintiffs to file a First Amended Complaint within 14 days – or by December 5, 2011. *Id.* at 21. They did not. Instead, on December 5 they requested an additional 45 days to do so. Motion, ECF No. 40. Defendants opposed the motion and simultaneously moved for dismissal based on Plaintiffs' failure to prosecute their action in a timely fashion. Opposition, ECF No. 42

Upon consideration of the moving papers, the court finds good cause to give Plaintiffs extra time to file a First Amended Complaint. Their motion is GRANTED. Plaintiffs shall file any First Amended Complaint **on or before January 19, 2012** (45 days from the previous deadline of December 5, 2011). Defendants' motion for dismissal is DENIED.

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¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 This disposes of ECF Nos. 40, 42.

2 **IT IS SO ORDERED.**

3 Dated: December 21, 2011

4 
LAUREL BEELER
United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California